

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**MARY ELOISA, ON BEHALF OF
SONYA GONZALES**

Plaintiff,

V.

HILL COUNTRY OUTREACH, INC.

Defendant.

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CIVIL ACTION NO. 5:20-cv-00082

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE DISTRICT COURT JUDGE:

NOW COMES MARY ELOISA, ON BEHALF OF SONYA GONZALES, Plaintiff in the above-styled and numbered cause (hereinafter called "**Plaintiff**"), complaining of HILL COUNTRY OUTREACH, INC. (hereinafter called "**Defendant**"), and for cause of action, would respectfully show unto the Court the following:

**I.
JURISDICTION**

The Court should exercise jurisdiction over this action pursuant to Section 1332 of Title 28 of the United States Code, for the following reasons:

- A. This is a suit between citizens of different states. Plaintiff is a resident of Albuquerque, New Mexico. Defendant is a domestic Texas corporation. Diversity jurisdiction of the action is therefore conferred on the court by 28 U.S.C. §1332.
- B. The amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest, costs of Court, and attorneys' fees.

II.
VENUE

Venue is proper in this district pursuant to 28 U.S.C. §1391(a)(2), as a substantial part of the events or omissions giving rise to the claim occurred in Kerrville, Kerr County, Texas.

III.
THE PLAINTIFF

Plaintiff MARY ELOISA resides in Santa Fe, NM, and is the mother of SONYA GONZALES. Ms. Eloisa has power of attorney to act on behalf of her daughter, SONYA GONZALES, and files this lawsuit on her behalf.

IV.
THE DEFENDANT

Defendant HILL COUNTRY OUTREACH, INC. is a Texas corporation with its principle place of business at 600 Leslie Dr., Kerrville, TX 78028. Service of Citation can be had by serving its agent, Frederick Loren Henneke, 840 Earl Garrett, San Antonio, TX 78028. **Service of Citation is requested at this time.**

V.
FACTS

On or about July 23, 2018, SONYA GONZALES moved into HILL COUNTRY OUTREACH, INC., located at 600 Leslie Dr., Kerrville, TX 78028, which is an assisted living facility. On January 17, 2019, Ms. Gonzales was sitting in the common area of the facility watching TV when another resident, Leo Lucan Martinez, who Plaintiff later discovered had a known violent history and propensity for unpredictable violence, viciously attacked her with a pocketknife. He repeatedly stabbed her over 32 times on her face, neck, hands, arms, and upper extremities. She was airlifted to University Hospital for care and treatment. She had to undergo

surgeries for repair of severed nerves and tendons. She continues to suffer from serious and permanent injuries sustained from the attack.

VI.
NEGLIGENCE OF DEFENDANT

Plaintiff believes and alleges that the Defendant, HILL COUNTRY OUTREACH, INC., acting by and through its administrators, managers, agents, and/or employees, committed certain acts and/or omissions constituting negligence and/or gross negligence in the care of Plaintiff SONYA GONZALES, and such negligence included, but is not limited to the following:

1. Failing to properly and adequately screen and monitor the assailant.
2. In permitting the assailant to reside at the facility, knowing that he had a violent history and propensity for unpredictable violence.
3. Failing to warn other residents and family of the assailant's violent background and history.
4. Failing to properly and adequately protect SONYA GONZALES and the other residents.
5. Failing to ensure the safety of SONYA GONZALES and the other residents.

Plaintiff would show that each and all of the above and foregoing acts and/or omissions on the part of the Defendant herein constitute negligence and/or gross negligence, and each and all were a direct and proximate cause of the injury and damages suffered by Plaintiff SONYA GONZALES.

VII.
RESPONDEAT SUPERIOR

Plaintiff would show that HILL COUNTRY OUTREACH, INC., acting by and through its administrators, managers, employees, agents, ostensible agents, and/or agents by estoppel, committed certain acts and/or omissions constituting negligence and/or gross negligence in the care provided to Plaintiff SONYA GONZALES; and, therefore, Defendant is liable to Plaintiff under the doctrine of *respondeat superior* for the negligent and/or gross negligent acts and/or

omissions of its administrators, managers, employees, agents, ostensible agents, and/or agents by estoppel.

VIII. **DAMAGES**

Plaintiff would show that as a direct and proximate result of the negligence and/or gross negligence on the part of the agents, servants, and/or employees of Defendant, Plaintiff SONYA GONZALES has been caused to suffer physical pain and mental anguish, and in reasonable probability, she will continue to suffer the same in the future, for which Plaintiff MARY ELOISA, ON BEHALF OF SONYA GONZALES, seeks recovery herein.

Further, Plaintiff has been caused to suffer physical impairment, and in reasonable probability, she will continue to suffer the same in the future, for which Plaintiff MARY ELOISA, ON BEHALF OF SONYA GONZALES, seeks recovery herein.

Further, Plaintiff has been caused to suffer disfigurement, and in reasonable probability, she will continue to suffer the same in the future, for which Plaintiff MARY ELOISA, ON BEHALF OF SONYA GONZALES, seeks recovery herein.

Further, Plaintiff has been caused to incur reasonable and necessary medical, doctor, hospital, and therapy expenses, and in reasonable probability, she will continue to incur the same in the future, for which Plaintiff MARY ELOISA, ON BEHALF OF SONYA GONZALES, seeks recovery herein.

Plaintiff has been gravely injured and damaged and believes that she has suffered damages in a sum in excess of \$75,000.00.

IX.
JURY DEMAND

Plaintiff hereby requests a trial by jury.

X.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant HILL COUNTRY OUTREACH, INC, be duly cited to appear and answer herein, and that upon final hearing of this cause, Plaintiff have and recover judgment of and from Defendant in an amount within the jurisdictional limits of this court, for pre-judgment and/or post-judgment interest as allowed by law, plus costs of court, and for such other and further relief, both general and special, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

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